

REMARKS

The Office Action of June 8, 2006 and the references cited therein have been carefully considered. The indication that claims 11 and 18 contain allowable subject matter but are objected to since they are dependent on a rejected claim has been noted with appreciation. However, these claims are being retained in dependent form pending a final determination of the allowability of the claims from which they depend.

In this Amendment, the specification has been amended to correct noted informalities, including providing proper titles for the sections of the specification, and the claims have been amended to overcome the Examiner's formal rejections and to more clearly and particularly define the invention. More particularly, claim 1 has been amended to incorporate the limitation of claim 3, which has been cancelled, and to more specifically define the spring means and its relationship to the end eyelet. Additionally, claim 16 has been amended to more positively claim the features of the heddle support rail, and claim 18 has been amended so that it properly depends from claim 16. Finally, a new independent claim 20 to claim the basic invention with a different scope has been added.

The rejection of claims 16-19 under 35 USC 112, second paragraph, as being indefinite has been noted. In response, claim 18 has been amended to correct the obvious typographical error so that it depends from claim 16 as recognized by the Examiner. Additionally, claim 16 has been amended to more clearly define the heddle support rail being claimed, which is for a heddle as defined in claim 1. Claim 19 has been amended so that it clearly recites a heddle shaft with a heddle support rail having the heddle of claim 1, Thus the claims are related as combination and sub-combination and thus are proper. Accordingly, it is submitted that with the above amendments, this ground of rejection should be reconsidered and withdrawn.

Reconsideration of the rejection of claims 1-6, 13, 15-17 and 19 under 35 USC 102(b) as being anticipated by the patent to Palua is respectfully requested. Claim 1 has been amended too more specifically define the function of the spring means. More specifically, claim 1 recites that the spring means (14) is provided on a side of the end eyelet (7) facing away from the heddle body for engaging a surface, for example, the surface (15) that is spaced from but adjacent a heddle supporting rib or jib, for example, the rib or jib (9), of the heddle support rail (3). Such a spring means is not taught or even suggested by the arrangement of Palua.

According to the Palua patent, and in particular Fig. 8 used by the Examiner in the rejection, the heddles 11 having an elongated body with an end eyelet (70, 80) at each end. One of the eyelets, e.g., the upper end eyelet 70, secures the heddle to a moveable heddle support rail, while the other end eyelet, e.g., the end eyelet 80, is connected via a spring or rubber cord 130 to a further non-moveable rail 18. In this arrangement, even if the spring or cord 30 could be considered to be a spring means provided on the end eyelet, i.e., it is not part of the heddle but rather a separate moveable part, it does not extend from the eyelet to engage a bearing surface adjacent but spaced from the heddle supporting part of the support rail. In fact, there is no bearing surface that is spaced from and adjacent to either of the rails of Palua that is or can be engaged by the spring 130. That is, the spring 130 only engages the rail 18, which does not directly secure the eyelet to the rail. Moreover, it is submitted that claim 1 is directed to a heddle, and the cord 130 is not a part of the heddle as required by claim 1 but rather a separate part of the overall arrangement which is attached to and connects a plurality of heddles to a stationary rail of the

overall machine. Accordingly, for the above stated reasons, it is submitted that claim 1 is not anticipated by and is allowable over the Palua patent under #5 USC 102(b)

Claims 2, 13 and 15-17 are each dependent on claim 1, and therefor are allowable over the Palau patent for at least the same reasons as claim 1. However, at least some of these claims contain additional features which are not taught by the Palua patent. For example, claim 2 requires that the spring means be integrally joined to the end eyelet on the side thereof facing away from the heddle body. Even if the knots 90 could be considered to integrally attaché the cord 130 to the end eyelet 80, which it does not, any attachment is not on a face opposite the heddle body. Note that the only reason the cord 130 is disposed on the face of the eyelet 80 in the drawings of Palua is that it is also attached to the rail 18. If this latter attachment were to be eliminated, the cord 80 could assume a position in any direction relative to the heddle body, i.e., 360 degrees. Claim 13, from which claim depends, has been amended to more specifically define the portions with the different cross sectional areas, which cross sectional areas are not found in the Palua patent. Claim 16, and claim 17 dependent thereon, now recite the features of the heddle support rail including the rib or jib for engaging the surface of the end eyelet and the bearing surface for the spring means, No such heddle support rail is taught by the Palua patent. Accordingly, for the above stated additional reasons, the referenced dependent claims are allowable over the Palau patent under 35 USC 102(b).

The rejections of certain of the claims under 35 USC 102(b) as being anticipated by the references to Koch, Baheer, Schmeing and Dierman have been noted. However, claim 3 was not included in any of these grounds of rejection.

Accordingly, since claim 3 was incorporated into claim 1 and since all of the remaining rejected claims depend from claim 1, it is submitted that these grounds of rejection are now moot and need not be discussed.

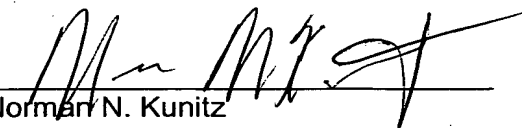
Newly presented claim 20 is an independent claim corresponding to a combination of original claims 2 and 3, but more specifically defining what is meant by the integral joining. That is, according to this claim the spring is an integral one-piece part of the heddle body as can clearly be seen in the illustrated embodiment of the invention. Clearly, this is not the case in any of the cited references. Therefore, claim 20 is submitted to be allowable over all of the cited references.

In view of the above amendments, and for the above stated reasons, it is submitted that all of the pending claims, i.e., claims 1, 2 and 4-20, is allowable over the cited references and is in condition fore allowance. Such action and the passing of this case to issue are respectfully requested.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is requested to contact under signed counsel to arrange for such an interview.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
Norman N. Kunitz
Registration No. 20,586

FITCH, EVEN, TABIN & FLANNERY
Suite 401L
1801 K Street, NW
Washington, DC 20006-1201
Telephone: (202) 419-7000
Facsimile: (202) 419 -7007